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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 09/054,986 | 04/03/1998 | MARK W. STAVNES | SC-5285 | 3346 |
| 7590 11/14/2003 | | | | |
| JAMES V LAPACEK | | | | |
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| CHICAGO, IL 60626 | | | | |
| | | EXAMINER | | |
| | | NOLAN, SANDRA M | | |
| | | ART UNIT | | |
| | | PAPER NUMBER | | |
| | | 1772 | | |

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/054,986

Applicant(s)

STAVNES ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003 and 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-26, 36 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 39 is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 24-26, 36, and 39 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 11 August 2003 (the RCE request and amendment, i.e., Paper Nos. 24 and 25) have been entered.
3. Also, the amendment to the claims submitted in the 05 September 2003 response (Paper No. 27) to the Notice of Noncompliant Amendment of 29 August 2003 (Paper No. 26) has been entered.

Rejections Withdrawn

4. The 35 USC 103 rejection of claims 36 and 39, as stated in section 8 of the 15 November 2002 office action (Paper No. 20) has been withdrawn in view of applicants' convincing arguments on pages 5 and 6 of Paper No. 25.
5. The 35 USC 112 rejection of claims 36 and 39, as stated in section 9 of Paper No. 2, is withdrawn in view of applicants' convincing arguments on pages 5 and 6 of Paper No. 25.

Rejection Maintained

6. The 35 USC 103 rejection of claims 24-26 as unpatentable over Brown, et al (US 5,975,145) in view of Tobin (US 4,349,803), as repeated in section 7 of Paper No. 20, is maintained for reasons of record.

Allowable Subject Matter

7. Claims 36 and 39 are allowed.
8. The prior art of record fails to teach or suggest the processes of making fuse tubes that are set forth in claims 36 and 39.

Response to Arguments

9. Applicant's arguments filed in Paper No. 25 have been fully considered but they are not persuasive.

The arguments presented in Paper No. 25 will be discussed in the order in which they were presented there.

On page 4, applicants argue that the office has not shown why a sleeve of woven wound material between two molded layers would suggest the use of melamine in an inner winding layer in the context of the Brown reference. Also, they reassert their earlier argument that it is unclear how the molded fuse tube of Tobin suggests the use of melamine in the inner wound layer of Brown.

However, as was pointed out on page 3 of the final rejection (Paper No. 22), the use of melamine as an arc-quenching material is taught at col. 4, lines 14-21 of Tobin.

Note, too, that Tobin teaches, at col. 1, lines 24-31, that melamine is used in an inner sleeve of a fuse tube.

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Also, arguments regarding the manner in which the materials are combined, e.g., winding versus molding, are not persuasive when claims to an article are considered.

Applicants argue, on page 4, that their fuse tubes contain 10+% melamine, 10+% glass fiber and 40+% resin and that this combination is not taught by the references.

However, Brown teaches, at col. 4, lines 11-19 and 37, 5 to 80% "filamentary" (line 13) fiber, and at col.5, lines 48-51, 5 to 65% "curable" (line 50) epoxy resin. Using suitable amounts of Tobin's melamine arc-quenching additive in Brown's fuse tubes is deemed an obvious matter of optimization. See in re Peterson, 65 USPQ2d 1379.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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06 November 2003